

the second conductive layer and wherein exposing the second conductive layer to a thermal process comprises flowing the insulator.

97. (New) The method of claim 96 wherein the second conductive layer comprises copper.

98. (New) The method in claim 95 further comprising depositing a plug on which the first conductive layer is thereafter deposited, and wherein exposing the second conductive layer to a thermal process comprises flowing the second conductive layer.

99. (New) The method in claim 95, wherein exposing the conductive layer to a thermal process comprises exposing the conductive layer to an alloy process.--

#### REMARKS

Claims 36-39 and 76-85, along with newly added claims 86-99, are currently pending in the present patent application. In the Office Action mailed January 2, 2002, the Examiner rejected claims 36-39 and 76-85 under 35 U.S.C. § 103(a) as being unpatentable over the Applicant's specification in view of U.S. Patent No. 6,201,276 B1 to Agarwal *et al.* ("Agarwal").

Under 35 U.S.C. § 103(c), "[s]ubject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." Vishnu K. Agarwal is the sole inventor in the present application and one of the inventors in the Agarwal patent, and Agarwal patent qualifies as prior art only under subsections (e), (f), and (g). The undersigned states as follows regarding the common ownership of the Agarwal patent and the invention covered by the present patent application:

#### Statement Regarding Common Ownership

The Agarwal patent and the invention covered by the present patent application were, at the time the invention covered by the present

application was made, subject to an obligation of assignment to Micron Technology, Inc., which is the assignee of the present application and the Agarwal patent.

Accordingly, the Agarwal patent may not be applied as prior art under Section 103 against the claims of the present application, and claims 36-39 and 76-85 are therefore allowable. *See* MPEP § 706.02(1)(1)-(2).

New claims 86-99 recite subject matter covering various other patentable aspects of the present invention, and are allowable over the prior art of record.

The claims dependent on the independent claims are allowable for the same reasons as the independent claims, and because of the additional limitations added by the dependent claims.

All pending claims are in condition for allowance, and favorable consideration and a Notice of Allowance are respectfully requested. The Examiner is requested to contact the undersigned at the number listed below for a telephone interview if, upon consideration of this amendment, the Examiner determines any pending claims are not in condition for allowance.

Respectfully submitted,  
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PFR:asw

Enclosures:

- Postcard
- Check
- Fee Transmittal Sheet (+ copy)
- Supplemental Information Disclosure Statement
- Form PTO-1449 with Cited References (3)

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